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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,616	09/29/2003	Atsushi Ogata	02910.000083	6259
5514	7590	10/25/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			FOLAYAN, TEMITAYO	
		ART UNIT	PAPER NUMBER	
		4115		
		MAIL DATE	DELIVERY MODE	
		10/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,616	OGATA, ATSUSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Temitayo Folayan	4115	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawabata et al. (United States Patent 5,267,059), hereinafter referenced as Kawabata.

Regarding claim 1, Kawabata discloses a sheet scanning apparatus. In addition Kawabata discloses “first feeding means for feeding a document” as disclosed at column 4, lines 7-8, wherein the document presence detection means is considered “first feeding means”; “second feeding means” as disclosed at column 4, lines 9-10, wherein the document ends detection means is considered “second feeding means”; “first driving means” as disclosed at column 4, line 29, wherein the feed roller is considered “first driving means”; “second driving means” as disclosed in column 4, line 10, wherein the eject roller is considered “second driving means”; “image scanning means” as disclosed at column 4, line 17, wherein a CCD is considered “image scanning means”; and a “speed controlling means” as disclosed at column 4, line 66, wherein the motor is considered “speed controlling means”, “wherein the speed controlling means controls the first driving means and the second driving means such that the feed speed of the second feeding means when a front end of the document is charged to the second feeding means becomes faster than the feed speed of the

Art Unit: 4115

second feeding means when the document is fed by both of the first feeding means and the second feeding means after the front end of the document has been charged to the second feeding means" as disclosed at column 5, lines 30-35.

Regarding claim 2, Kawabata discloses everything claimed as applied above (see claim 1), in addition Kawabata discloses "wherein the speed controlling means controls the first driving means and the second driving means" as disclosed at column 4, line 66; "such that when the document is fed by both of the first feeding means and the second feeding means, the feed speed of the second feeding means becomes faster than the feed speed of the first feeding means" as disclosed at column 5, lines 30-35.

Regarding claim 4, Kawabata discloses everything claimed as applied above (see claim 1), in addition Kawabata discloses "wherein the speed controlling means controls to switch the feed speed of the first feeding means and/or the feed speed of the second feeding means in accordance with a kind of the document" as disclosed at column 8, lines 36-38.

Regarding claim 5, Kawabata discloses a sheet scanning apparatus. In addition Kawabata discloses "first feeding means for feeding a document" as disclosed at column 4, lines 7-8, wherein the document presence detection means is considered "first feeding means"; "second feeding means" as disclosed at column 4, lines 9-10, wherein the document ends detection means is considered "second feeding means"; "first driving means" as disclosed at column 4, line 29, wherein the feed roller is considered "first driving means"; "second driving means" as disclosed in column 4, line

Art Unit: 4115

10, wherein the eject roller is considered "second driving means"; "image scanning means" as disclosed at column 4, line 17, wherein a CCD is considered "image scanning means"; a "speed controlling means" as disclosed at column 4, line 66, wherein the motor is considered "speed controlling means", and "wherein the speed controlling means controls the first driving means and the second driving means such that a ratio of the feed speed of the first feeding means to the feed speed of the second feeding means is made to differ in accordance with a scanning speed of the document by the image scanning means" as disclosed at column 5, lines 15-21.

Regarding claim 6, Kawabata discloses everything as claimed above (see claim 5), in addition Kawabata discloses "wherein the speed controlling means controls the first driving means and the second driving means such that the feed speed of the second feeding means is faster than the feed speed of the first feeding means and the ratio of the feed speed of the first feeding means to the feed speed of the second feeding means is made to differ in accordance with the scanning speed" as disclosed at column 5, lines 15-21.

Regarding claim 7, Kawabata discloses everything as claimed above (see claim 6), in addition Kawabata discloses "wherein when the scanning speed is fast, the speed controlling means controls the first driving means and the second driving means" as disclosed at column 7, lines 20-22.

Regarding claim 8, Kawabata discloses a sheet scanning apparatus. In addition Kawabata discloses "first feeding means for feeding a document" as disclosed at column 4, lines 7-8, wherein the document presence detection means is considered

"first feeding means"; "second feeding means" as disclosed at column 4, lines 9-10, wherein the document ends detection means is considered "second feeding means"; "first driving means" as disclosed at column 4, line 29, wherein the feed roller is considered "first driving means"; "second driving means" as disclosed in column 4, line 10, wherein the eject roller is considered "second driving means"; "image scanning means" as disclosed at column 4, line 17, wherein a CCD is considered "image scanning means"; a "speed controlling means" as disclosed at column 4, line 66, wherein the motor is considered "speed controlling means", and "wherein the speed controlling means controls the first driving means and the second driving means such that the feed speed of the second feeding means becomes faster than the feed speed of the first feeding means" as disclosed at column 5, lines 30-35; and "the speed controlling means controls to switch the feed speed of the first feeding means and/or the feed speed of the second feeding means in accordance with a kind of the document" as disclosed at column 8, lines 36-38.

Regarding claim 9, Kawabata discloses everything as claimed above (see claim 8), in addition Kawabata discloses "wherein when a thick document is fed, the speed controlling means controls the first driving means and the second driving means such that a difference between the feed speeds of the first feeding means and the second feeding means becomes larger than the difference when a thin document is fed" as disclosed at column 4, lines 32 –34; wherein the pressure plate compresses any thick documents or plurality of documents.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabata, in view of Katsuta et al. (United States Patent 5,995,801) hereinafter referenced as Katsuta.

Regarding claim 3, Kawabata discloses everything as claimed applied above (see claim1), in addition Kawabata discloses "wherein the speed controlling means controls the second driving means such that the feed speed of the second feeding means when the document is fed only by the second feeding means" as disclosed at column 4, lines 66-68; however Kawabata fails to disclose both feeding means having equal speed. However, the examiner maintains that it is well known in the art to have both feeding means have equal feeding speeds, as taught by Katsuta.

In a similar field of endeavor Katsuta discloses a document feeder. In addition, Katsuta discloses "the feed speed of the first feeding means when the document is fed by both of the first feeding means and the second feeding means become equal to each other" as disclosed at column 12, lines 52-54.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus to have equal speeds in both

Art Unit: 4115

feeding means, as taught by Katsuta, for the purpose of having each means far enough apart at equal distances to maintain an equal speed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temitayo Folayan whose telephone number is 571-270-3574. The examiner can normally be reached on mon-fri 7:30-5:00 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Temitayo Folayan*

TF

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Examiner  
Art Unit 4115

*Jeffrey F. Harold*  
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SUPERVISORY PATENT EXAMINER